

UNITED STATES DISTRICT COURT

Central Division

District of

Utah

UNITED STATES OF AMERICA

V.

Bobby Redcap

JUDGMENT IN A CRIMINAL CASE

(For Revocation of Probation or Supervised Release)

Case Number: DUTX 297CR000235-004

USM Number: 06043-081

Jeremy Delicino

Defendant's Attorney

THE DEFENDANT:

☒ admitted guilt to violation of condition(s) 1 & 2 of petition of the term of supervision.

☐ was found in violation of condition(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

Violation Number	Nature of Violation	Violation Ended
1	The Bureau of Indian Affairs (BIA) police were notified that the defendant had knocked on a woman's door in Fort Duschesne, Utah, while inquiring about his children. The woman informed the police that she did not know the	4/2/2006

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: _____

Defendant's Date of Birth: _____

Defendant's Residence Address: _____

8/3/2006

Date of Imposition of Judgment

Signature of Judge

J. Thomas Greene

Name of Judge

U.S. District Judge

Title of Judge

Date

Defendant's Mailing Address: _____

DEFENDANT: Bobby Redcap

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ADDITIONAL VIOLATIONS

**Violation
Concluded**

Violation Number

Nature of Violation

2

defendant, nor did she have any children with the defendant as he claimed.

An officer located the defendant as he was walking away from the home and proceeded to question the defendant. The officer detected the odor of alcohol on the defendant's breath and a breath test confirmed a breath alcohol content of .241.

4/2/2006

DEFENDANT: Bobby Redcap
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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of :

7 months, less credit for time served.

☒ The court makes the following recommendations to the Bureau of Prisons:

The court recommends defendant be placed in a facility where he can participate in work/vocational program to include the study of art and architecture. The court also recommends defendant participate in an alcohol treatment while incarcerated.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Bobby Redcap

CASE NUMBER: DUTX 297CR000235-004

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :
24 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall reside in and complete the inpatient substance abuse program at the Red Pine Treatment Center *and complete the in-patient substance abuse program.*
2. The defendant shall maintain full-time verifiable employment or participate in academic or vocational development throughout the term of supervision as deemed appropriate by the USPO.
3. The defendant shall inform any employer or prospective employer of his current conviction and supervision status.
4. The defendant shall refrain from incurring new credit charges or opening additional lines of credit unless he is in compliance with any established payment schedule and obtains the approval of the probation office.
5. The defendant shall provide the probation office access to all requested financial information.
6. The defendant will submit to drug/alcohol testing as directed by the USPO.
7. The defendant shall participate in drug and/or alcohol abuse treatment under a co-payment plan as directed by the probation office and shall not possess or consume alcohol during the course of treatment, nor frequent businesses where alcohol is the chief item of order.
8. The defendant shall participate in a mental health treatment program under a co-payment plan as directed by the probation office, take any mental health medications as prescribed, and not possess or consume alcohol, nor frequent businesses where alcohol is the chief item of order, during the course of treatment or medication.
9. The defendant shall not use or possess alcohol, nor frequent businesses where alcohol is the chief item of order.
10. The defendant shall be subject to a curfew and be restricted to his residence during the hours of 10:00 p.m. to 6:00 a.m.
11. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by the probation office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
12. Defendant shall pay restitution (see page 7 and attached orders) at the minimum rate of \$100 per month.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments set forth on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$	\$	\$ 10,165.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☒ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Utah State Crime Victim Reparations Office Attention: Trust Fund Case #105748 350 East 500 South, #200 Salt Lake City, Utah 84111	\$3,165.00	\$3,165.00	joint/several
Ute Indian Tribe P. O. Box 190 Fort Duchesne, Utah 84026	\$2,000.00	\$2,000.00	joint/several
Utah State DCFS 140 West 425 South (330-15) Roosevelt, Utah 84066	\$5,000.00	\$5,000.00	individual
TOTALS	\$ 10,165.00	\$ 10,165.00	

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution or a fine more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 10,165.00 due immediately, balance due
☐ not later than _____, or
☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below); or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay.
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

The court orders that the \$10,165.00 ordered on 10/27/1997 for the original offense be re-instated at the rate of \$100 per month. The court orders that Gregory Checora, Reuben Cuch Jr., Warrenell Cuch, and Bobby Redcap pay restitution, jointly and severally, the sum of \$5,165.00. The court further orders the defendant and each of the co-defendants above named shall pay \$5000 each, a total of \$20,000, into a separate account maintained by the Division of Child and Family Services for the use and benefit of the children of Beni Murray, who was killed.

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes imprisonment, payment of criminal monetary penalties is be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☒ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount and corresponding payee, if appropriate.

Gregory Checora	97-CR-000235-001	\$5,165.00 (and \$5,000 individually)
Reuben Cuch	97-CR-000235-002	\$5,165.00 (and \$5,000 individually)
Warrenall Cuch	97-CR-000235-003	\$5,165.00 (and \$5,000 individually)
Bobby Redcap	97-CR-000235-004	\$5,165.00 (and \$5,000 individually)

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

**In the United States District Court
for the District of Utah, Central Division**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY CHECORA, et. al.

Defendants.

ORDER


Case No. 2:97CR235 JTG

To: The Ute Indian Tribe Accounting Office

The Ute Indian Tribe Accounting Office is directed to withhold \$100 per month, per defendant, from the approximately \$200 each of the following defendants receive monthly in tribal dividend payments: Gregory Checora, Reuben Cuch Jr., Warrenell Cuch, and Bobby Redcap. The Office is to submit this amount monthly (a total of \$400 per month) to the United States District Court, Clerk of the Court, to be applied toward the restitution ordered in the above entitled case.

IT IS SO ORDERED.

DATED this 31st day of August, 2006.


J. THOMAS GREENE
UNITED STATES DISTRICT JUDGE

**In the United States District Court
for the District of Utah, Central Division**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY CHECORA, et. al.

Defendants.

ORDER

Case No. 2:97CR235 JTG

To: United States District Clerk of Court

The Ute Indian Tribe Accounting Office has been directed to divert \$100 per month, per defendant, for payment of restitution from the following individuals: Gregory Checora, Reuben Cuch Jr., Warrenell Cuch, and Bobby Redcap. The disbursements are to be made to the Clerk of the Court for the United States District Court. The Clerk of the Court is first to disburse \$5,165.00, joint and severally from each defendant to the Ute Indian Tribe and the Utah State Office of Crime Victims.

After the \$5,165 has been paid, the said individuals are then obligated to pay \$5000 each to the Utah State Division of Family Services, for a total of \$20,000 to be paid by the four persons above named. These funds are for the use and benefit of the children of Benji Murray, namely Jeffrey Murray (a juvenile) and Jay Murray, age 18 or older. Previously it had been contemplated that an attorney, Mr. Martin Olsen, was going to operate on a pro bono

capacity to distribute those funds. This has not been done and that designation is cancelled and no longer necessary. All disbursements will be made by the Clerk of the District Court. This Order supercedes all prior orders concerning restitution, including the Order of January 5, 2000.

IT IS SO ORDERED.

DATED this 31st day of August, 2006.



J. THOMAS GREENE
UNITED STATES DISTRICT JUDGE